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Viewing cable 09NICOSIA93, MONCHEGORSK: MFA SEEKING LEGAL OPINIONS,

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| Reference ID | Created | Released | Classification | Origin |
|-----------------------------|----------------------------------|----------------------------------|------------------------------|---------------------------------|
| 09NICOSIA93 | 2009-01-30 14:11 | 2011-08-30 01:44 | CONFIDENTIAL | Embassy Nicosia |

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C O N F I D E N T I A L SECTION 01 OF 03 NICOSIA 000093

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E.O. 12958: DECL: 01/30/2019

TAGS: [PARM](#) [MNUC](#) [PREL](#) [PGOV](#) [SY](#) [IR](#) [CY](#)
SUBJECT: MONCHEGORSK: MFA SEEKING LEGAL OPINIONS,
PRESIDENCY EVALUATING DISPOSITION OPTIONS

REF: A. URBANCIC-FITZPATRICK EMAIL OF 30 JANUARY

[B](#). NICOSIA 18

[C](#). NICOSIA 73

[D](#). NICOSIA 75

[E](#). NICOSIA 78

Classified By: Ambassador Frank C. Urbancic, Reasons 1.4 (b), (d)

[1](#). (U) This telegram contains action requests; please see Paragraphs 3, 4, and 11.

Ship Status:

[2](#). (C) M/V Monchegorsk remains at anchorage in the Limassol port. Cypriot maritime officials have conducted a cursory inspection, finding high explosives of obvious military usage. They intend to inspect further the contents of 55 crates on board -- possibly the same ones checked earlier by U.S. Navy personnel.

MFA: Legal Findings Desired

[3](#). (C) Diplomatic Activity: At 1015 hrs local (0315 DC), MFA Permanent Secretary (D-equivalent) Nicolas Emiliou summoned the Ambassador for discussions on the M/V Monchegorsk; owing to a prior commitment, PolChief attended in his place. Emiliou opened by noting Cyprus's great interest in alleged comments by CJCS ADM Mike Mullen that the U.S., after halting the Monchegorsk on the high seas, had let the vessel proceed after determining it had no legal grounds to detain it. In preparing the MFA's own legal opinion as to the applicability of UN Security Council Resolutions 1747 and 1803 to the materiel shipment, Emiliou wished first to see the USG's findings -- if possible, something more elaborate than the short non-papers the Embassy had delivered so far.

[4](#). (C) The MFA diplomat claimed that 1747 was open to interpretation. There was a difference of opinion on the Ministry's legal team, with some experts believing that OP 5's call on states to prohibit the procurement of any arms or related materiel from Iran using their flag vessels related only to nuclear weapons-related materiel (since the entire resolution preamble, as well as OPs 1-4, dealt primarily with Iran's nuclear program.) This was Syria's position, Emiliou noted. In fact, Damascus had deployed a high-level envoy to Nicosia, the Syrian Deputy FM, who was applying significant pressure to allow the vessel to depart for Latakeia. Emiliou again requested U.S. legal thinking, here, on why 1747 applied for conventional (vice nuclear) materiel.

[5](#). (C) Cypriot maritime officials had conducted a cursory check of the Monchegorsk and discovered significant quantities of high explosives that were clearly military in nature, Emiliou informed. They would perform more detailed checks shortly, having identified 55 suspicious crates (Note: likely those already inspected by U.S. personnel.) Should the RoC's attorneys determine the cargo was subject to UNSC sanctions, the overarching Cypriot desire was to remove it soonest from the island, owing to "heavy pressure" from Damascus and Teheran. Cyprus would require assistance from friendly nations in disposing of the materiel, Emiliou concluded.

Brits Ready to Assist, if Necessary

[6](#). (C) Ambassador at 1200 hrs called on UK High Commissioner Peter Millet. Millet informed that 18 hours earlier, he had received confusing instructions from a CENTCOM-based UK

officer to intervene with the RoC on the Monchegorsk. He had sat on the instructions, however, in order to get more clarity and to consult with us. In response to USG brainstorming over the possibility of using the British Sovereign Base Areas (SBAs) in the disposition of the cargo, Millet noted some practical difficulties, but assured the SBAs could accept the cargo "both physically and politically." London wanted this shipment interdicted as much as Washington, he assured, and he personally stood ready to approach the Cypriots on the matter.

¶17. (C) Akrotiri, the western SBA, could accommodate landing craft-sized vessels but nothing the size of the Monchegorsk, Millet explained. Should the RoC want to move the cargo to the British base, it first would need to move it through Limassol port. The SBA did bring ammunition and explosives through Limassol on weekend nights when there was little port traffic, under police escort, however.

Presidency: UN Option Preferable to SBA

¶18. (C) Ambassador at 1330 hrs contacted Presidency Diplomatic Coordinator Leonidas Pantelides (Ref A). He restated U.S. appreciation for Cyprus recalling the ship, and assured that Washington was thinking creatively about an end state that both allowed the RoC to meet its UNSC obligations while also respecting Cypriot domestic political and foreign policy sensitivities. Ambassador explained that USG experts so far had found no mechanism for affecting a handover of the Monchegorsk's cargo to elements of UNIFIL, an idea that Pantelides had floated a day earlier (Ref E). Would Cyprus accept some type of transfer to a third party, such as the Brits via the SBAs, or even the French, whose naval relationship with Cyprus was strong?

¶19. (C) Cyprus plainly preferred a solution involving the French and UN than one using the SBAs, Pantelides responded (likely owing to the bases' political sensitivities here.) Yet RoC lawyers worried that any approach to a third country would be illegal under the UNSCRs -- how was Syria prohibited from receiving the cargo, for example, but not France or Britain? Cyprus's favored tack remained one that provided UN cover to Cyprus to act. As UNSCR 1803 called on member states to report to the Security Council, the Cypriots were envisioning the following way-forward:

-- At the request of a Permanent Member of the UNSC (the United States), Cyprus, as flag nation of the Monchegorsk and exercising its UNSCR obligations, would report to the Council that it had hailed and inspected a vessel suspected of carrying illegal Iranian arms exports;

-- Cyprus would include the findings of its inspection and its conclusion that the shipment seemingly violated UNSCRs 1747 and 1803, and would ask the Council how to proceed.

¶10. (C) Ambassador committed to relaying Cyprus's thoughts to USG policy makers. He saw a number of practical difficulties with the proposal, however, dealing primarily with Russia's stance at the Council. It would be disastrous were the Russians to block action and leave the Council deadlocked, leaving the cargo marooned on the island and Cyprus subjected to increasing pressures from Iran and Syria.

For this proposal to have a chance of success, Moscow's support must be obtained beforehand. Had Pantelides (formerly the RoC ambassador in Moscow) floated the idea with the Russians? Ambassador asked. He had not, but noted the government was preparing to do so, likely in New York.

Comment:

¶11. (C) Official Cyprus is telling us their primary interest lies in fulfilling UNSC obligations and removing the cargo from the island, preferably under UN cover. However, RoC

political realities -- mainly, the desire to keep Moscow happy at all costs and prevent Damascus from retaliating by upgrading relations or links with the "illegal Turkish Republic of Northern Cyprus" -- pose a countervailing demand that the vessel eventually reach Syria. We therefore recommend that Washington keep this in mind as it evaluates this latest proposal that Cyprus has decided to explore with the Russians. It is difficult to gauge from here what Moscow's position would be once the question reached the Council or Sanctions Committee. In any case, the RoC is looking for an out, and the passage of time now increases the likelihood of an unfortunate government decision to allow the Monchegorsk to sail.

Urbancic